

ORDINANCE NO. 07-015

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE VI. SUPPLEMENTAL ZONING DISTRICT REGULATIONS, DIVISION 10. PARKING, OF THE CODE OF ORDINANCES AND IN PARTICULAR, ADDING A NEW SECTION, HIALEAH CODE § 98-2205 ENTITLED "ADMINISTRATIVE WAIVER OF PARKING AND LANDSCAPING REQUIREMENTS--MEZZANINE COMPLIANCE" TO PROVIDE FOR A PROCEDURE FOR AN ADMINISTRATIVE WAIVER OF MINIMUM PARKING AND LANDSCAPING REQUIREMENTS FOR MEZZANINE FLOORS CONSTRUCTED PRIOR TO JANUARY 1, 2007 IN BUILDINGS ZONED INDUSTRIAL PROVIDED THAT THE MEZZANINE IS USED EXCLUSIVELY OR PRIMARILY FOR STORAGE OR LESS THAN 10% FOR OFFICE USE AND THAT THE MEZZANINE WILL COMPLY WITH CURRENT LIFE SAFETY REQUIREMENTS AND BE INSPECTED AND APPROVED BY FIRE MARSHAL OR DESIGNEE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 10, 2007 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific intent and purpose of this ordinance is to provide a procedure for the legalization of existing mezzanines through an administrative waiver of minimum landscape and parking requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article V1. Supplementary Zoning District Regulations, Division 10. Parking, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by the addition of a new section, Hialeah Code § 98-2205 entitled "Administrative waiver of parking and landscaping requirements—mezzanine compliance", to read as follows:

Chapter 98

ZONING

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**ARTICLE VI. SUPPLEMENTARY ZONING
DISTRICT REGULATIONS**

* * *

DIVISION 10. PARKING

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Sec. 98-2205. Administrative waiver of parking and landscaping requirements—mezzanine compliance.

Existing mezzanine floors within buildings zoned industrial constructed prior to January 1, 2007 shall conform to current fire safety code requirements without the necessity of compliance with minimum current parking and landscaping requirements of the city; provided, however, the property owner shall use the mezzanine floor exclusively or primarily for storage with office use of less than ten percent of gross floor area permitted and the property owner applies for and obtains an administrative waiver of minimum parking and landscaping requirements. The property owner shall apply for an administrative waiver by completing an application on a form supplied by the city together with a fee of \$100 and submittal of a plot plan or survey depicting landscape and parking areas to be

filed with the planning division. The zoning official after a determination that the property cannot physically comply with current minimum parking requirements may grant an administrative waiver of parking and landscaping requirements conditioned upon compliance of the mezzanine with current fire safety code requirements and final inspection and approval of the mezzanine by the fire marshal or designee. The zoning official may also condition the waiver upon re-striping and reconfiguring parking spaces, adding parking spaces, and payment of landscape mitigation.

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Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 6: Severability Clause.

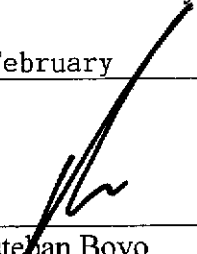
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 13th day of February, 2007.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



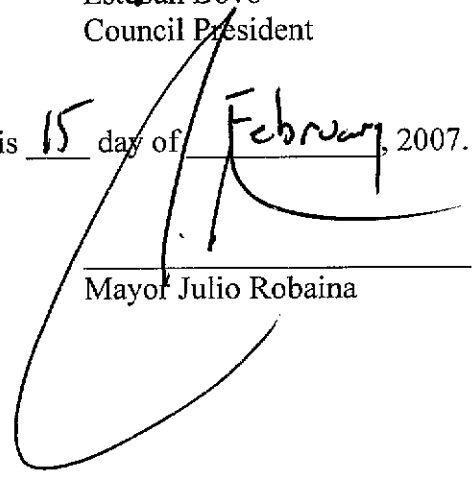
Esteban Bovo
Council President

Attest:

Approved on this 15 day of February, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, Miel and Yedra voting "Yes" and Councilmember Gonzalez absent.